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Paper presented by Abel Guterres
CNRM representative for Australia and Aotearoa - New Zealand.

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# East Timorese asylum seekers in Australia: The dilemma for Australian Government.

Over the years, from 1975 to 1994 Australia has welcomed and accepted many East Timorese refugees who have successfully escaped from East Timor. From those who were evacuated during the civil war – like myself - prior to the Indonesian invasion, to those who subsequently have come under family reunion program, or other special humanitarian programs.

Presently there are some twelve thousand East Timorese living in Australia. The largest Timorese community outside East Timor.

Our leader Dr Jose Ramos Horta during the Nobel Peace Award ceremony in Oslo last year has before the international community acknowledged Australia's generosity and I would like to reiterate once more our sincere appreciation.

Although Australians by and large have always welcomed East Timorese, it wasn't always easy acceptance from the government. There was one struggle after another to obtain refugee status from the then Fraser Government, (the present Prime Minister John Howard was then Treasurer).
Government or the bureaucrats always come up with some obstacle, either legal or political to discourage potential asylum seekers. Those who arrived in Australia earlier were classified as evacuees or quasi refugees, (I was one of them) which meant that they were to be repatriated as soon as the situation in East Timor was normalised. Fearing this eventuality, the two Government officers Frank Wootzisky and Susan Cooper, who were looking after the Timorese decided to set up a committee, (at great risk to their own jobs) called Timorese Committee for Permanent Residence (I was a member of this committee). Frank Wootzisky was himself a refugee from Schekslovakia in early 19950's so he knew what refugee was all about. He always went out of his way to help the Timorese. So too did Susan. This committee led by João Goncalves worked hard for support. Lobbying the parliamentarians from all political parties, especially the Labor Party which was in opposition,

Churches, Solidarity groups, aid agencies like ACFOA (Australian Council for Overseas Aid), CAA (Community Aid Abroad), community groups, prominent people etc. In the end permanent residence was granted.
Soon after, a Family Reunion program was established to reunite the husbands, wives, and children, who either separated in Portugal or still in East Timor. Pat Walsh, Christine Perkins, John Wardingham and friends initiated this program. With lots of hard work many if not all were reunited.
While we were preoccupied with all these issues the war in East Timor rages on unabating. The entire Fretilin leadership including Dr Jose Ramos Horta who was then Fretilin's foreign minister, were banned from entering Australia by Fraser government until 1982 when Labor won office. Indonesia and Australia completely sealed off East Timor from outside world, to avoid international scrutiny. Concealed by its good neighbour Australia, Indonesian generals had a free hand to kill the East Timorese at will. Two hundred thousand people or a third of the East Timor's original population of 680.000 (1974 Portuguese census) have perished, as documented by Amnesty International in 1985.

The presence of East Timorese refugees in Australia is a constant and visible reminder to Australians of the on going war in East Timor under Indonesian military occupation. Successive Australian governments have endorsed this occupation and therefore accomplices to the whole tragedy.

Until 1994, Australia granted refugee status to the East Timorese on the basis that they have a well-founded fear of prosecution in East Timor or in Indonesia. The Government also created a number of special programs to assist Timorese who were living in exile in Portugal, Macau, or former Portuguese colonies such as Mozambique and Angola, to settle in Australia on humanitarian grounds. These humanitarian programs existed until six months ago when the Government decided to cancel them.

NEW ARRIVALS IN AUSTRALIA

Today there are 1360 East Timorese refugees seeking political asylum in Australia.

Between 1994 and early 1995, this large group of East Timorese arrived in Australia. Included amongst this group were the 18 people including a six-month-old baby boy, who successfully made the historical boat voyage to Australia. The first ever documented unauthorised boat arrival

direct from East Timor. Indonesia expressed significant annoyance at this group's daring escape from its prison island.

They are now scattered around Australian Cities namely in Darwin; Perth, Sydney, and the largest number are in Melbourne.
Some are sharing accommodation with family and relatives; others on their own are in private rental accommodation.

AUSTRALIAN GOVERNMENT'S RESPONSE

The Australian Government became restless and fearful that this may be the beginning of a new floodgate of Timorese refugees arriving by boat. The boat arrivals were locked up in immigration detention centre for three months at the remote Curtin Air base in Western Australia, where they struggle to have contact with their community in Darwin, Perth, Sydney, Melbourne, and their legal advisers.
Eventually they were released but only after concerted pressure from Australian and Timorese welfare and community organisations such as TAV (Timorese Association in Victoria), TAC (Timorese Australian Council), in Sydney, TECCV (Timorese Ethnic Chinese Community in Victoria), ETRA (East Timor Relief Association), CISET (Christian in Solidarity with East Timor), ETHRC (East Timor Human Rights Centre), RACS (Refugee Advice and Casework Service Vic. Inc.) ACFOA (Australian Council for Overseas Aid) and its member agencies like CAA (Community Aid Abroad) Churches, solidarity groups, individuals, and other support groups and wider public around Australia. The same organisations and individuals are still working in support of the asylum seekers.

Searching for a way of managing this dilemma the Australian Government characterised the East Timorese as dual nationals of both Indonesia and Portugal hence precluding them refugees status in Australia unless they could show a fear of prosecution in relation to both countries. At the International Court of Justice, Australia vehemently argued that Portugal had abdicated its responsibility towards East Timor and had no role to play in the territory's affairs. That Australia was at liberty to divide the spoils of the Timor Gap Treaty.

In opposition, the Government criticised the Labour Government's treatment of the refugees, stating the position that they are Portuguese was "absurd and hypocritical". Now in the Government they have adopted exactly the same position.

The Timorese cases have been crawling their way through the courts. A test case was heard in the Full Federal Court in Sydney in September 1996 and a decision handed down on 2 May 1997. The Court found that the Refugee Review Tribunal had made no errors in determining that the applicant in the test case held Portuguese nationality, but found that the Tribunal had erred in failing to consider whether the protection offered by Portugal was "effective" meaning how could the Timorese practically access this protection.

The case was remitted back to the Refugee Review Tribunal for this issue to be considered. The test case remains dormant but in the meanwhile other Timorese cases have been decided. In three cases, the Tribunal has decided that the Portuguese protection is not effective due to the practical obstacles facing the Timorese in securing it, and the applicants in these cases have been found to be refugees.

Prior to the making of these decisions, the Minister attempted to interfere in the independent processes of the Tribunal by approaching the principal member of the Tribunal and asking him to get his members considering Timorese cases to relinquish them until the test case had been settled. The members refused to do so, relying upon the Tribunal's independent legislative charter: the Government's attempt to "nobble" the findings of the Tribunal has so far failed. But with the Government appointment to the Tribunal and suggested that the Minister may actually issue a policy direction to the Tribunal to find against Timorese applicants, justice for the Timorese through the legal system may be short-lived.

The three cases already approved by the Tribunal as mentioned above are now under threat. The Minister has decided to appeal the decision back to the Federal Court. The hearing for the Court's direction is due to take place on 28 July 1997 possibly in Sydney.

## HOW AUSTRALIANS HAVE RESPONDED

### SANCTUARY NETWORK

There are few issues, which so clearly demonstrate the great divide between the views of the Australian people, and the policies of the Government which claims to represent them. The Government's mean spirited approach to East Timorese asylum seekers, have struck a cord at the hearts of so many ordinary Australians.

East Timorese community and their Australian friends from aid agencies, churches, trade unions, students, community groups and individuals of goodwill have joined forces to capaign for their stay.

In Melbourne the asylum seekers support group now Sanctuary Network have conducted two very successful public campaigns. In late December 1996, demonstration at Queenscliff military fort where Indonesian officers are being trained by Australia. In May this year, a big number of artists offered their services for an open-air concert held at treasury gardens in the city, which attracted almost 10.000 people.
About 200 people some of the asylum seekers and their Australian friends camped overnight at the base of the department of immigration building. The next morning they offered cooked breakfast coffee and tea to the immigration officers, and many other people working in the same building. Distribute pamphlets with information about the plight of the asylum seekers.

<u>So far more than ten thousand (10.000) people around Australia have joined the Sanctuary Network.</u>

They range from all backgrounds; doctors, lawyers, pensioners, students, farmers, religious orders, political activists, and churches from different denominations.
The Sanctuary network is a civil disobedience campaign to illegally harbour those asylum seekers facing deportation to Portugal. Organisers and Members of the Network potentially face jail sentences of up to three years if they break the immigration laws. However this has hardly been a deterrent.
These 10.000 people and organisations have offered their houses and resources to harbour the Timorese if necessary. In addition there is a broader support campaign underway to provide for the immediate legal, medical, and welfare needs of the asylum seekers until they are granted permanent residence.
While many of them are receiving the Asylum Seekers Assistance payment provided by the Government through the Red Cross, (a meagre payment of 11% less than social security), budget cuts in October last year, saw some 70 Timorese refugees already cut off the scheme, taking them from the poverty line to complete destitution.

This is the next phase of the Government campaign: to attempt to starve the refugees out of Australia by denying them an income, permission to work and health care. Proposed legislative and regulation changes to take effect as of 1 July 1997 may have this effect on future Timorese refugees.

In short, the Government is attempting to make it so difficult for the Timorese to remain in Australia whilst the legal case is tested, that they will be forced to take any alternative.

Sr Kathleen O'Connor from the Josephite Order initiated this Sanctuary Network and she is now the national coordinator of the Network. It is modelled on Christian Sanctuary movement in United States of America and in European countries. In USA Christian Churches put up a civil disobedience and gave sanctuary to many refugees who fled from the dictatorships of Latin American countries.
The legal difference is that in USA, the law enforcers are forbidden to enter Sanctuary safe houses where in Australia there is no such law.
The organisers of the Sanctuary Network will have to operate in clandestine to be successful in avoiding detection from the police and immigration officers who will be in hot pursuit for the refugees.

SRTUCTURE OF THE SANCTUARY NETWORK IN VICTORIA

A - CO-ORDINATING COLLECTIVE comprising of 15 people.

B- FIVE TASK ORIENTED CLLECTIVES:

1- SAFEHOUSES COLLECTIVE – co-ordinating the safe houses, this is a closed collective due to the need for security.
2- COMMUNICATION COLLECTIVE – Responsible for information flow to members, potential supporters and the public and will also co-ordinate the space administration.
3- FUNDRAISING AND FINANCE COLLECTIVE – Will work on ways and means of raising money.
4- WELFARE COLLECTIVE – Responsible for co-ordinating asylum seekers welfare issues, education (english), training/job skills, medical support, youth support, and trauma issues.
5- LEGAL COLLECTIVE – To support RACS (Refugee Advice Casework Service Vic Inc.) in terms of voluntary work, legal research and briefing.

POTENTIAL WIDER PUBLIC SUPPORT FOR EAST TIMOR

The Sanctuary Network aims to deter the Government from continuing with these disgraceful policies by threatening a public relations war that the Government cannot win. Presumably the Government would not relish television footage of police dragging East Timorese families from the clutches of nuns and priests. Additionally, the Network aims to

provide for the immediate needs of the community so that they can persue all legal avenues open to them with their basic needs provided for in a dignified manner. The Network will provide safe houses indefinitely if necessary.

The presence of the asylum seekers in the midst of the Australian community has the potential, not only to resolve the status of the asylum seekers but also to continue into full blown campaign against the Government's recognition of the annexation of East Timor into the republic of Indonesia and the existence of the Timor Gap Treaty.

THE ROLE OF CNRM (National Council of Maubere Resistance).

The CNRM is the nonpartisan political organisation under the leadership of Xanana Gusmao (and outside E.T. in close cooperation with the two historical political organisations FRETILIN and UDT) which represents the people of East Timor in this hard and difficult road of struggle, it has the duties and responsibility to defend the interest and wellbeing of every East Timorese where ever they may be.
In Australia CNRM cadres and members of the two political organisations and other Timorese activists, have been involved in the campaign to support the asylum seekers. This issue has the great potential to galvanise support for East Timor in the wider community, hence East Timorese involvement is paramount.

THE ROLE OF PORTUGAL

The position of the Portuguese Government is critical and it is the backbone to this whole campaign. On behalf of the East Timorese community in Australia I'd like to applaud Portugal's principled stance in refusing to cooperate with the Australian Government's latest betrayal of the Timorese people. Portugal has been under pressure from Australia to co-operate and accept the refugees but instead has consistently maintained that the protection of Portugal is available to East Timorese who voluntarily request it, however it would be contrary to their right to self-determination to have Portuguese nationality imposed upon them. I am sure Portugal has seen the Australian Government" position for what it is: a self-serving attempt to appease Indonesian Generals.
Without Portugal's support the refugees would have lost their campaign long ago. Portugal has thrown the gauntlet back to the Australian

Government by urging that they find a humanitarian solution to the problem.
I do urge Portuguese Government to not only to maintain its current position, but also to make further statements that clearly throwing the ball hank into the Australian Govornmont's oourt. A strong statement of Australia's humanitarian responsibility to this needy and traumatised group, would perhaps assist the Government to overcome their temporary blindness and to see that there lies no easy way out of its dilemma: that there is nowhere that the Timorese can be unceremoniously deported to without their consent. It is not only in the interests of the Timorese asylum seekers, but also the dignity of the Australian people and nation that the impasse is resolved sooner rather than later.

INTERNATIONAL SUPPORT

Australian Government must be called to task. It must be pressured to allow the East Timorese to stay in Australia. It must meet its humanitarian obligations under UN convention on refugees. As mentioned earlier, successive Australian Governments have not been an innocent bystander in the tragedy of East Timor.
Australia's support for the Indonesian generals who carried out their war of genocide in East Timor must be denounced at every opportunity, more so when it refuges to take the refugees, a product of its complicity of the on going war.

We urge the Portuguese Government to continue to pressure Australian Government through its European Union paterners.

We urge the Portuguese solidarity groups and all other solidarity groups around the world to support the refugees by lobbying their respective Governments, parliamentarians, and trade unions to put pressure on Australian Government.

We very much welcome any financial support to help with the campaign and provide for the refugees, because the likely scenario will be that the Government will cut off all the assistance to the refugees, thus indirectly forcing them to leave Australia for Portugal or back to East Timor.

Attached are: 1- Letter to the Minister,
2- Submission made to the Minister for a special visa category for the refugees (it was rejected),
3- Statistics on East Timorese refugees on Torture /Trauma.
4- A video with 18 minutes of TV footages.
5- News paper clippings.